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2008 FEB 28 PM 12:54

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY KVIX DEPUTY

1 Chad McKinney  
2 Pro Se  
3 6266 Madeline St Apt #61  
4 San Diego, CA 92115  
5 619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

6 CHAD MCKINNEY, an individual,

10 Plaintiff,

14 v.

16 APOLLO GROUP INC., UNIVERSITY OF  
17 PHOENIX, a Corporation, MECHELLE  
18 BONILLA, an Enrollment Manager at  
19 UNIVERSITY OF PHOENIX, KYAN  
20 FLYNN, Director of Enrollment at  
21 UNIVERSITY OF PHOENIX, APRIL  
22 ALCORN, an Employee Relations  
23 Consultant at UNIVERSITY OF PHOENIX  
24 CARLYN LINDSTEN, Associate Director of  
Enrollment at UNIVERSITY OF PHOENIX

Defendants

) CIV. Case No.07-cv-2373  
)  
) FOR VIOLATION OF FEDERAL  
) FALSE CLAIMS ACT AND FOR  
) VIOLATION OF THE  
) THE CIVIL RIGHTS ACT 1964 AND  
) THE AMENDMENTS TO TITLE  
) VII OF THE CIVIL RIGHTS ACT OF  
) 1991

) RETALIATION- WRONGFUL  
) TERMINATION &  
) EMPLOYMENT DISCRIMINATION  
) CIVIL ACTION

) Memorandum of Points and  
) Authorities in Support of Plaintiff's  
) Motion for Clerk's Entry of Default

) Demand for Trial By Jury Pursuant  
) to U.S. Constitution, 7<sup>th</sup> Amendment

) February 28, 2008

**PLAINTIFF'S MOTION FOR DEFAULT**

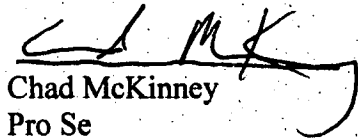
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Apollo Group Inc, a.k.a. the University of Phoenix, in the amount of \$250,000 since the Defendant has failed to plead or otherwise defend themselves against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19<sup>th</sup> 2007 and entered December 20<sup>th</sup>. The defendant was served on January 31<sup>st</sup>, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was served on January 31, 2008
3. As of the 28<sup>st</sup> of February 2008, the Defendant is late 8 days.
4. The plaintiff's complaint requests punitive damages of \$250,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but a large corporation who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure. No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default  
2 against the Defendant in the amount of \$250,000 to reasonably cover the damages  
3 incurred by the plaintiff.  
4

5 Respectfully submitted,

6   
7 Chad McKinney  
8 Pro Se

9 6266 Madeline St Apt #61  
10 San Diego, CA 92115  
11 619-634-3566  
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